

Ms. 2012-14

AFFIDAVIT OF SETH L. MAILE

I, Seth L. Maile, being duly sworn, do depose and state that:

1. I am a U.S. Park Ranger of the National Park Service and have been so employed for 8 years. I am currently assigned to Virgin Islands National Park and Coral Reef National Monument, St John, United States Virgin Islands. My duties include criminal patrols and enforcing violations of criminal law, authority delegated by virtue of Title 16 United State Code Section 1a-6. My training includes attending the Federal Law Enforcement Training Center's Land Management Training Program in 2009 and National Park Service Seasonal Law Enforcement program in 2003.
2. I am aware that Title 36, Code of Federal Regulations, Section 2.32 (a)(1), makes it a crime to interfere with agency functions. It is prohibited to interfere threaten, resist, intimidate, or intentionally interfere with a government employee or agent engaged in an official duty, or on account of the performance of an official duty. Section 1.2 (a) (1) states that this regulation applies to all persons entering, using, visiting or otherwise within the boundaries of federally owned lands and waters administered by the National Park Service. I am further aware that the Virgin Islands National Park is under the concurrent jurisdiction of the United States as defined by Title 18 United States Code Section 7.3.
3. I am aware that Title 36, Code of Federal Regulations, Section 2.34 (a)(2) makes it a crime to use language, an utterance, or gesture, or engages in a display or act that is obscene, physically threatening or menacing, or done in a manner that is likely to inflict injury or incite an immediate breach of the peace. I am further aware that Virgin Islands National Park is under the concurrent jurisdiction of the United States as defined by Title 18 United States Code Section 7.3.

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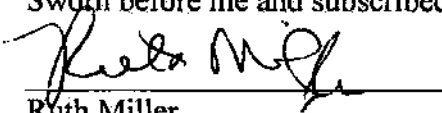
4. I submit this affidavit in support of a criminal complaint against **JASON BARNETT**, DOB 09/16/1981, charging him with a violation of disorderly conduct. The facts set forth herein are based on my own personal observation and investigation.
5. On July 6, 2012 at approximately 1800 Park Ranger **HORNER, D.** and I (Park Ranger **MAILE, S.**) responded to a report of a near drowning at Cinnamon Bay. Upon arrival I made contact with **BARNETT** near the Cinnamon Bay Museum. When I initially contacted **BARNETT** he appeared to be heavily intoxicated and I smelled a strong odor of alcohol on his person. **BARNETT** stated that he had been attempting to swim out to Cinnamon Cay when he got tired and grabbed onto a buoy. I asked **BARNETT** if he had swallowed any water, he answered "yes". EMS arrived on scene at approximately 1805. I asked **BARNETT** to allow EMS to check him out as he had swallowed salt water, **BARNETT** refused.
6. **BARNETT's** wife, Jennifer L. Montgomery arrived on the scene. When I contacted Montgomery she also appeared to be heavily intoxicated and I smelled a strong odor of alcohol on her person. Montgomery started yelling at **BARNETT** for trying to swim to the island and endangering her life. Montgomery slapped **BARNETT** in the chest. I stepped between the two and ordered them both to back up. **BARNETT** stepped toward me and struck me in the middle of my chest with his open hand. I pushed **BARNETT** away from me and ordered him to step back. **BARNETT** took another swing at me with his left hand and missed. I ordered **BARNETT** to turn around, spread his feet, and place his hands behind his back. As I approached **BARNETT** he placed his right hand inside of his right shorts pocket. I commanded **BARNETT** to keep his hands out of his pockets, he continued. I grabbed onto **BARNETT's** left arm and attempted to place him in an arm bar. **BARNETT** pulled his arm away and walked away from me.
7. I pulled out my OC (pepper spray) and pointed it at **BARNETT** instructing him to get on the ground, he would not comply. I repeated my command to get on the ground. **BARNETT** slowly got down on the ground on his stomach. I approached **BARNETT** and placed his left arm in an arm bar. **BARNETT** immediately started to pull his arm away. Ranger **HORNER** grabbed his right arm and I handcuffed **BARNETT**.

8. Ranger HORNER and I transport **BARNETT** to the NPS visitor's center in Cruz Bay. **BARNETT** stated that he did not feel well and requested medical attention. Ranger ROBINSON called for an ambulance. EMS arrived and contacted **BARNETT**. **BARNETT** would not cooperate with the EMS staff. I asked **BARNETT** if he wanted medical attention, he stated "no". EMS provided us with a refusal of care form and cleared the scene.
9. At approximately 1930 hours Ranger HORNER, Ranger ROBINSON and I began the boat transport to Red Hook and arrived in Red Hook at approximately 1945 hours. Ranger ROBINSON, HORNER and I transported **BARNETT** in a marked NPS Ford Explorer to the Bureau of Corrections facility in Charlotte Amalie, arriving at 2015 hours. I placed **BARNETT** into BOC custody at 2030 hours and returned to St. John.
10. When I took **BARNETT** into custody I observed that he is approximately 72 inches tall and appeared to weight approximately 190 pounds.



Seth L. Maile
U.S. Park Ranger
National Park Service

Sworn before me and subscribed in my presence on July 7, 2012.



Ruth Miller
U.S. Magistrate Judge